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SUBJECT: JORDAN'S STATE SECURITY COURT

REF: A. AMMAN 4685
[1](#)B. AMMAN 4025

Classified By: Ambassador David Hale for reasons 1.4 (b) and (d).

[1](#)1. (SBU) Summary: Jordan's State Security Court is responsible for handling all terrorism, state security, and drug-related cases. These trials are conducted in a mixed military and civilian court with hearings open to the public.

The court has an increasing workload, with most of the growth in drug-related cases, but works with limited facilities and staff. End summary.

Overview
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[1](#)2. (SBU) Articles 99 and 110 of Jordan's Constitution (1952) permit the establishment of special courts and Statute 17 of 1959 created the State Security Court charged with trying all terrorism, state security, and drug-related cases. The courts operate under the joint responsibility of the Ministry of Justice and the Military Jurisdiction Directorate of the Jordan Armed Forces (JAF). In this relationship, the JAF provides the workspace, the prosecutorial staff, and two-thirds of the judges, while the Ministry of Justice provides the remaining judges and handles extradition requests. Currently, the State Security Court has three panels with ten judges (one judge serving as a designated alternate). By tradition, the panels are made up of two military officers (usually lieutenant colonels with a colonel as the presiding judge) and one civilian judge. Lieutenant colonels and colonels staff the prosecutor's office, which currently has three assistant prosecutor generals and seven State Security Court attorneys. The prosecutors are also judges and are authorized to extend detention periods, approve charges, and issue warrants (search and arrest) without additional judicial review.

[1](#)3. (SBU) Most security cases originate from General Intelligence Directorate (GID) arrests and investigations, although drug cases usually arise from cases developed by the Public Security Directorate (PSD), Jordan's national police. GID completes these investigations in coordination with State Security Court prosecutors who will issue the arrest warrants. Under present law, prosecutors must bring arrested subjects before the State Security Court no more than seven days following the arrest, but provision is made to extend detentions without trial at the discretion of the prosecutor for a period up to fifteen days. After the initial hearing, the defense has no less than one week and no more than ten days before trial to prepare arguments, although the defense attorney can request additional time from the court. The court will appoint representation for capital crimes or crimes that carry penalties of life in prison. Jordanian law permits the accused in lesser crimes to have legal representation but defendants must pay for it themselves. An attorney may be, but reportedly often is not, present from the moment the investigation is completed and the defendant makes a statement to the prosecutor. The Court's procedures

stipulate that the statement to the prosecutor, which will form the basis of court proceedings, must be made voluntarily, though many defendants, especially in terrorism cases, later claim that they made statements under duress. Within thirty days of arrest, the prosecutor general must ratify the charge and present it to the court; traditionally, the brigadier general that heads the Military Jurisdiction Directorate also serves as the prosecutor general.

14. (C) Generally, the court tries all cases in open session. Brigadier General Yousef al-Faouri, Attorney General and head of the Military Jurisdiction Directorate, told poloff he could only recall one closed session in his six years of serving as head of the State Security Court. According to Faouri, closed proceedings only take place when it is necessary for the protection of a witness. He stated that for sensitive witnesses, the prosecutor will often substitute written statements from investigators in order to avoid having a closed session. He and the current president of the State Security Court, Colonel Subhi al Mousa, told poloff they strongly believe that open proceedings help convince the public that justice has been served. The court can make judgments on a unanimous or majority basis; in the instance of a majority decision, the minority can append its dissenting opinion. Defendants and prosecutors may appeal all decisions rendered by the State Security Court to the Court of Cassation (Jordan's highest court). The higher court must review all judgments rendered in absentia or punishments in excess of ten years.

Punishment of Terrorists in Jordanian Law

15. (SBU) Lieutenant Colonel Ramzi Nuzha, Head of International Affairs for the Military Jurisdiction Directorate, told poloff that Jordan's law breaks sentences in terrorism cases into four general categories that each have specific criteria. (A prison year is considered 9 months long and the remaining three months are credited for good behavior.)

-- Capital punishment - The court may sentence a defendant to death if the act led to a death, completely or partially destroyed any building inhabited by at least one person, or if the act was committed using explosives, flammable materials, toxic or burning substances, or germ, chemical, or radioactive substances.

-- Life imprisonment (defined as 15 to 25 years) - The court may sentence a defendant to life if convicted of destroying, even partially, any private or public property, industrial establishment, ship, aircraft, transportation means, or other property; cutting off communications or computer systems (including piercing or disrupting its networks); or breaking down or damaging, even partially, transportation means.

-- Imprisonment (defined as 3-15 years) - A defendant may serve 3 to 15 years, at the discretion of the judicial panel, if convicted of manufacturing, obtaining, conveying in bad faith any explosive, flammable, toxic, germinal, chemical, radioactive or any similar materials or any of its components to execute terrorist acts or to enable others to use them for terrorism acts; conspiracy that aims to execute terrorism; or acts related to banking process in order to finance terrorism.

-- Confinement (defined as 1 week to 3 years) - If convicted of handling a financial transaction in bad faith (banking or financial institution employees), the court may sentence the accused to a period of confinement.

16. (S) Colonel Subhi al-Mousa, the President of the State Security Court, asserted to poloff that plea agreements are "unknown" in the Jordanian judicial system. However, he admitted that if a defendant is cooperative, the court will take that into consideration at trial. Mousa did state that on occasion GID and PSD, when they successfully turn a subject, will not bring him to trial. Instead, this person works directly with the security services, who will not pass

him to the prosecutor.

Workload Pressure and Security
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¶7. (SBU) Colonel Mousa provided the following statistics for the State Security Court's recent caseload; the numbers in parenthesis refer to security and terrorism cases.

2000: 1,000 est. (20)
2001: 1,500 est. (18)
2002: 1,700 est. (21)
2003: 1,750 est. (29)
2004: 1,900 est. (34)
2005: 2,300 est. (30)
2006 (up to 6 June 2006): 992 (12)

¶8. (C) The figures above show that the workload of the court is steadily increasing, with the majority of the growth in drug-related cases. Notably, the same number of judicial panels have and will continue to handle the growth in cases in the last six years, with only a slight increase in prosecutorial staff. The court hears cases in an old facility close to Marka airport in Amman, which houses ten offices for the judges, two courtrooms, three computers used for word processing, and one office with photocopier for defense counsels--separate and cramped offices are available for prosecutorial staff. Mousa states that the court hears 50-70 cases a day for all three panels. As reported by Mousa and witnessed by poloff, the court recorder makes all transcripts in longhand.

¶9. (C) Threats to the court's proceedings have recently complicated the trials themselves. In March 2006, nine associates of defendant Azmi Jayousi (later sentenced to death for a failed chemical attack) attempted to free him enroute to his trial at court (Ref A). GID was able to identify the threat and arrested those involved two hours before the planned transfer. The nine are now on trial themselves at the State Security Court. This specific threat has caused the court to hold high security hearings in the prisons, according to Mousa. Three prisons are equipped to handle such trials and six of the country's prisons hold security prisoners. Mousa stated that generally speaking, the court has a conviction rate of 60 percent in drug cases and 80 percent in terrorism-related cases.

¶10. (C) Chief Judge of the Cassation Court and Head of the Judicial Council Mohammad Famed al-Rawqad remarked to a visiting Department of Justice representative that defendants challenge State Security Court cases on procedural grounds in the higher court. He noted that the panel judges in the State Security Court do not thoroughly investigate reports of torture and abuse as required under Jordanian law. According to Rawqad, investigators do not mistreat defendants, but the State Security Court was not meeting the higher court's standard for inquiries into mistreatment allegations.

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